

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NEXT Payment Solutions, Inc.,)	
)	
Plaintiff,)	Case No. 1:17-cv-08829
)	
vs.)	Honorable Ruben Castillo
)	
CLEAResult Consulting, Inc.,)	
)	
Defendant.)	

MOTION TO WITHDRAW AS COUNSEL

Susan Bogart and Eric C. Cohen, who are present counsel for NEXT Payment Solutions, Inc. (“NEXT”), hereby move to withdraw as counsel for NEXT.

1. NEXT is a party to an agreement with Susan Bogart and Mr. Cohen dated May 21, 2018. Pursuant to that agreement, NEXT appointed Ms. Bogart as lead counsel, and Ms. Bogart appointed Mr. Cohen to assist her. On June 10, 2019, by email Matt Peterson, CEO of NEXT, advised Ms. Bogart that he was terminating the May 21, 2018 agreement.

2. Also, on June 10, 2019, this Court granted *pro hac vice* applications of Devan V. Padmanabhan, Michelle E. Dawson, Sri K. Sankaran, and Britta S. Loftus all of Padmanabhan & Dawson, P.L.L.C. in Minneapolis, Minnesota. (Dkt. 332). Mr. Padmanabhan has represented to opposing counsel that he is now lead counsel in this case.

3. Also on June 10, 2019, Bartholomew B. Torvik of Torvik Law LLC in Evanston IL filed an appearance for Plaintiff NEXT and, upon information and belief, is acting as local counsel for NEXT’s out of state counsel. Also on information and belief, Mr. Torvik is a member of the Trial Bar. (Dkt. 331)

4. On June 13, 2019, this Court granted motions of Paul J. Robbennolt, from Padmanabhan & Dawson, and Paul B. Thanasides and Mary Ruth Thanasides of McIntyre, Thanasides, Bringgold, Elliott, Grimaldi, Guito & Matthews, P.A. in Tampa Florida to appear *pro hac vice* for Plaintiff NEXT. (Dkt. 348).

5. Under Local Rule 83.17, leave of court is required for an attorney of record to withdraw from a case. In this case, NEXT has obtained eight (8) substitute counsel. Pursuant to Illinois Rules of Professional Conduct 1.16 (c), Ms. Bogart and Mr. Cohen submit that they have complied with applicable law requiring notice to or permission of a tribunal when terminating a representation.

6. Further, the conditions for terminating representation under Rule 1.16 of the Illinois Rules of Professional Conduct have been met. First, by terminating the May 21, 2018 agreement, NEXT has terminated Ms. Bogart and Mr. Cohen as its counsel for this case. Rule 1.16 (a)(3) (“the lawyer is discharged). Second, by virtue of representations made to Ms. Bogart by Mr. Padmahabhan and Matt Peterson, CEO of NEXT, “withdrawal can be accomplished without material adverse effect on the interests of the client.” Rule 1.16(b)(1). In addition, NEXT has “failed substantially to fulfill an obligation to the lawyer regarding the lawyer’s services,” and continued “representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.” Rule 1.16(5)(6).

For the reasons set forth above, Ms. Bogart and Mr. Cohen submit that this Court should grant their motion for leave to withdraw as counsel for NEXT.

Dated: June 17, 2019

NEXT PAYMENT SOLUTIONS, INC.

By: /s/ Susan Bogart

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